

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBIN NIXON,)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO. 05-101 ERIE
)	
NORFOLK SOUTHERN CORPORATION)	
and NORFOLK SOUTHERN RAILWAY)	
COMPANY, INC.,)	
Defendants)	

**SECOND JOINT MOTION FOR
AMENDMENT OF CASE MANAGEMENT ORDER**

Plaintiff ROBIN NIXON, by his attorneys, Segel & Solymosi, and defendants NORFOLK SOUTHERN CORPORATION and NORFOLK SOUTHERN RAILWAY COMPANY, INC. (more properly known as "Norfolk Southern Railway Company"), by their attorneys, MacDonald, Illig, Jones & Britton LLP, file this Second Joint Motion for Amendment of Case Management Order and state the following in support thereof:

1. This civil action involves a common law negligence claim by plaintiff Robin Nixon (hereinafter "Nixon") against defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc. for personal injuries arising out of an accident that occurred on or about April 27, 1997, in the City of Erie, Pennsylvania when Nixon, who then was age 12, alleges that while riding a bicycle, he grabbed onto a slowly-moving eastbound train, lost control and fell under the train. (Complaint).

2. On October 24, 2005, this Honorable Court issued an Amended Case Management Order that, inter alia, established a pretrial schedule by which all discovery (other than expert witnesses) was to be completed on or before January 19, 2006; plaintiff's expert disclosures were to be served on or before March 3, 2006; defendants' expert disclosures were to be served on or before March 31, 2006; expert depositions were to be completed on or before April 21, 2006; dispositive motions, if any, were to be filed on or before May 15, 2006; responses in opposition to dispositive motions were to be filed on or before June 12, 2006; any replies in support of dispositive motions were to be filed on or before June 27, 2006; a Joint Concise Statement of Material Facts was to be filed on or before June 20, 2006; and, if no dispositive motions are filed, plaintiff's pretrial narrative statement was to be filed on or before June 1, 2006, and defendants' pretrial narrative statement was to be filed on or before June 22, 2006. (Amended Case Management Order dated 10/24/05).

3. The parties have been engaging in pretrial discovery in this case through interrogatories and requests for production of documents, but need additional time within which to complete their remaining discovery, by depositions and otherwise, in order to properly prepare their respective cases for trial.

4. There has been only one prior request for an extension of time to complete pretrial discovery, and this civil action has not yet been scheduled for trial.

5. In view of the additional discovery required by both parties, plaintiff Nixon and defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc. jointly seek a final 90-day extension of time until April 19, 2006, within which to complete discovery (other than expert witnesses), and the issuance of a Second Amended Case Management Order revising other dates in the pretrial schedule consistent therewith.

WHEREFORE, plaintiff Robin Nixon and defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc. respectfully request this Honorable Court to extend the time for completion of discovery (other than expert witnesses) until April 19, 2006, and to issue a Second Amended Case Management Order that revises other dates in the pretrial schedule consistent therewith.

Respectfully submitted,

SEGEL & SOLYMOSE

By s / Tibor R. Solymosi
Tibor R. Solymosi, Esquire
818 State Street
Erie, Pennsylvania 16501
(814) 454-1500

Attorneys for Plaintiff
Robin Nixon

s / Roger H. Taft
Roger H. Taft
PA 19983/NY 2876456
Lisa Smith Presta
PA 65527
MacDONALD, ILLIG, JONES & BRITTON LLP
100 State Street, Suite 700
Erie, Pennsylvania 16507-1459
(814) 870-7600

Attorneys for Defendants
Norfolk Southern Corporation and Norfolk
Southern Railway Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Second Joint Motion for Amendment of Case Management Order was served upon the following attorney of record for plaintiff Robin Nixon, via First-Class United States Mail addressed as follows, this 19th day of January, 2006:

Tibor R. Solymosi, Esq.
Segel & Solymosi
818 State Street
Erie, PA 16501

s / Roger H. Taft

Roger H. Taft, Esq.